

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANITA ARRINGTON-BEY,)	CASE NO.:
Administratrix of the Estate of OMAR K.)	
ARRINGTON-BEY,)	JUDGE
)	
Plaintiff,)	<u>NOTICE OF REMOVAL</u>
)	
vs.)	
)	
CITY OF BEDFORD HEIGHTS, et al.,)	
)	
Defendants.)	

TO THE JUDGES IN THE UNITED STATES DISTRICT COURT, NORTHERN
DISTRICT OF OHIO, EASTERN DIVISION

1. On October 17, 2014, Plaintiff Anita Arrington-Bey, Administratrix of the Estate of Omar Arrington-Bey, commenced an action in the Cuyahoga County Court of Common Pleas, Ohio, bearing Case No. CV 14 834416 entitled "Anita Arrington-Bey, Administratrix of the Estate of Omar K. Arrington-Bey v. City of Bedford Heights, et al.," praying judgment against Defendants. Said action is predicated on alleged violations of Plaintiff's due process rights under the Fourteenth Amendment of the United States Constitution and alleged violations of Plaintiff's rights under the Eighth Amendment of the United States Constitution, and is brought pursuant to 42 U.S.C. § 1986. Said action is wholly of a civil nature of which this Court has original jurisdiction under the provisions of Title 28, United States Code, Sections 1343(a)(3) and/or 1331, and is one which may be removed to this Court pursuant to the provisions of Title 28 United States Code Section 1441(a) and (b), as being a civil action involving a claim or claims over which this Court has original jurisdiction and involving a claim or right arising under the

Constitution, treaties or laws of the United States, all of which more fully appears in the Plaintiff's Complaint, a copy of which is attached hereto and incorporated herein by reference.

2. Said action also contains certain pendent state law claims over which this Court has jurisdiction under the provisions of 28 United States Code Section 1367.

3. A copy of the purported Summons and Complaint in the case aforesaid was served upon Defendants City of Bedford Heights, Officer Tim Honsaker, Officer Maurice Ellis, Officer Phillip Chow, David Leonardi, Jeffrey Mudra and Cheryl Sindone on October 23, 2014 under and by virtue of Rule 4.3 of the Ohio Rules of Civil Procedure.

4. Defendants attach hereto, and file herewith, copies of the Summons and Complaint served as aforesaid, as well as copies of all other process, pleadings and orders served upon them.

5. Defendants further states that all Defendants in this action have joined in and/or consented to removal of this case as evidence by the signatures set forth hereinafter.

WHEREFORE, Defendants pray that the case presently pending in the Cuyahoga County Court of Common Pleas against them be removed to this Court and proceed herein according to law.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/ Kyle B. Melling

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Counsel for Defendant Arnold Feltoon

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2014, a copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A copy of the foregoing Notice of Removal was served November 14, 2014, by depositing same in first-class United States mail, postage prepaid, to the following:

Terry H. Gilbert, Esq.
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s/ Kyle B. Melling

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Counsel for Defendants City of Bedford Heights,
Officer Tim Honsaker, Officer Maurice Ellis,
Officer Phillip Chow, David Leonardi, Jeffrey
Mudra and Cheryl Sindone

NORMA-130139/Notice of Removal